

Promoting Voter Participation; Ensuring the Integrity of Elections

In 2005 — a year in which the nation observed the 40th anniversary of the landmark federal Voting Rights Act — the Attorney General's Office worked on many fronts to emphasize the importance of every citizen's voting voice, and to encourage as many eligible New Jerseyans as possible to vote by making it more convenient. One example: so-called "no excuse" absentee ballot legislation took effect in 2005. As a result, the November General Election became the first General Election in State history in which voters who did not meet a specific "absentee" criteria — illness, business out of state, employment-related schedule conflicts, etc. — could vote by absentee ballot simply because they preferred it to visiting a polling site.

At the same time, through investigative activity, cooperative effort with local election officials and public-awareness-related outreach, the Attorney General's Office continued to strengthen the administration of elections, and to work to preserve the integrity of the electoral process.

Consistent with its mandate under the federal Help American Vote Act (HAVA) of 2002, the Attorney General's Office worked with certain counties — those whose voting equipment was outdated — to acquire millions of dollars

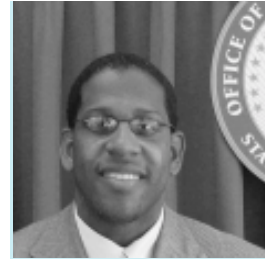
worth of new electronic voting machines through federal HAVA funding. In addition, the office worked with each of New Jersey's 21 counties as progress continued — on schedule — to create and implement a centralized, statewide voter registration data base by early 2006 as required by HAVA.

Emphasizing Involvement in Democracy, Self-Empowerment

In addition to outreach efforts focused on helping young people avoid incarceration, injury, death and other consequences, the Attorney General's Office focused much of its energy in 2005 on empowering young people to make a difference in their own lives by getting involved in the democratic process.

As part of this effort, Attorney General Harvey and the Attorney General's Help America Vote Act (HAVA) Implementation Team visited a number of high schools throughout New Jersey to stress the importance of voting and to generate awareness of how the voting process works.

Below is an example of the latest electronic voting machines now in use throughout the State.



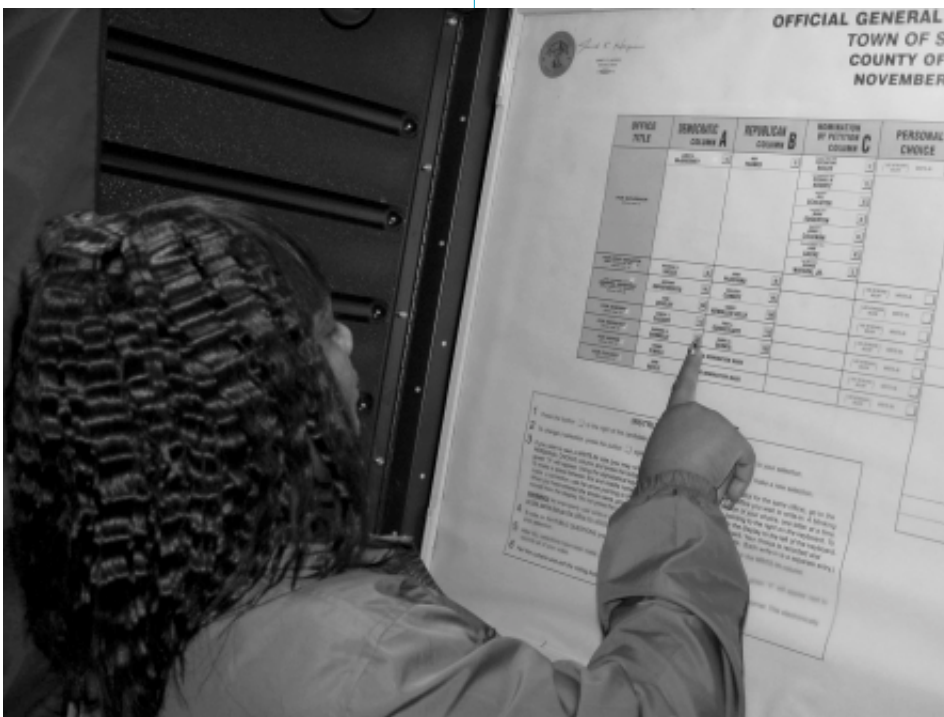
Markus Green
OAG Chief of Staff

HAVA Implementation Team

Staffed by attorneys and other professionals with expertise in election systems and procedures, the HAVA Implementation Team within the Attorney General's Office has primary responsibility for ensuring that New Jersey achieves — and maintains — full compliance with the mandates of the federal Help America Vote Act (HAVA) of 2002. The HAVA Implementation Team's mission is to spread awareness about the importance of voting, to disseminate useful information to New Jerseyans concerning how and where to register to vote, and to ensure that the voting process in New Jersey is as inclusive and user-friendly as possible. Among other things, HAVA requires that all states implement by January 1, 2006 a centralized and interactive statewide voter registration list that will be defined, maintained and administered at the state level.

The HAVA Implementation Team is spearheading that effort. As of this writing, voter registration information in New Jersey is maintained at the county level. The Attorney General's Office is currently working with a private contractor and Superintendents of Elections, Boards of Elections, County Clerks, Municipal Clerks and other agencies that share data to complete implementation of the Statewide Voter Registration System. The HAVA Implementation Team has also worked with several counties on their acquisition of new electronic voting machines to replace outdated machines — a HAVA requirement. In addition, the HAVA Team continues to conduct public awareness initiatives under the banner of the Attorney General's "Be Powerful, Be Heard" initiative.

www.NJElections.org



On April 5, 2005, Attorney General Harvey was joined by Hip-hop recording artists, state and local officials, school administrators, educators, radio personalities and professional sports figures at Perth Amboy High School to kick off the nation's largest youth vote initiative — "Be Powerful, Be Heard" — with a pep rally. More than 1,000 Perth Amboy High School students took part in the event. They were joined, via Internet Web "streaming," by thousands of other public school and college students around the state. The event served as a launch for the "Be Powerful, Be heard" get-out-the-vote campaign, which culminated with Hip-Hop Summit II in Trenton on September 23, 2005. Perth Amboy was chosen as the site for the kickoff in part because of its historical significance to voting. The first African-American to vote in the United States, following passage of the 15th Amendment in 1870, was Thomas Mundy Peterson, who resided and cast that first vote in Perth Amboy.

Other HAVA-related events that brought the Attorney General and representatives of the HAVA team into New Jersey schools included

the recording of a "Be Powerful, Be Heard" Public Service Announcement (PSA) at East Brunswick Vocational Technical School in Middlesex County, and an event at Barringer High School in Newark in which Attorney General Harvey was joined by Latin music sensation Frankie Negrón.

At the East Brunswick vocational school event, the Attorney General was joined by James Prendergrast, a student at the school who took top honors in the Attorney General's "Be Powerful, Be Heard" spoken word poetry contest. At the Barringer High School event in Newark, Latino singer-songwriter Negrón helped the Attorney General host a Halloween-day rally to encourage Latino students to vote in the November General Election. A Newark native and graduate of the city's Arts High School, Frankie Negrón has received numerous Platinum record awards, and his music dominates the airwaves of many Latino radio stations. In addition to joining the Attorney General at Barringer High School, Negrón volunteered his time to tape a pro-voting PSA for the "Be Powerful, Be Heard" voting awareness campaign.

Motivating Voters Through "Be Powerful, Be Heard" Campaign

Once again in 2005, the Attorney General's Office devoted a significant amount of staff resources and HAVA funding to the task of reminding eligible New Jerseyans of every age, race and ethnicity of the importance of voting.

The simple but potent message was to "Be Powerful, Be Heard" by voting and, through a variety of strategies, that message was carried to every corner of the state.

One of the most important "Be Powerful, Be Heard" outreach events of 2005 was Hip-Hop Summit II, held at the Sovereign Bank Arena in Trenton on September 23. Approximately 5,500 high school and college students from throughout New Jersey attended Hip Hop Summit II. The event brought together voting age and soon-to-be-voting-age young people with representatives of the Attorney General's Office and popular hip-hop recording artists and other celebrities for a candid presentation about democracy, governance, and the significance of every individual's voting voice.

Paid for with federal HAVA funds, Hip-Hop



Above, nationally syndicated radio personality, Wendy Williams reads for the taping of a pro-voting PSA.

Above right, holding his award (next to AG Harvey) is James Prendergrast, winner of the Spoken Word Competition. The finals were held September 30, 2005 at the Hip-Hop Summit II, Sovereign Bank Arena, Trenton at right.



Summit II cost less than \$100,000 overall to stage — including rental of the arena, food for the thousands of student attendees, bus transportation for students, and live Internet video streaming of the event. (Participating celebrities donated their time.) That translated to an average cost-per-student of between \$17 and \$18, a worthy investment in New Jersey's future in light of Hip-Hop Summit II's emphasis on self-determination, affecting positive change through positive activism, and the value of being involved in — instead of distanced from — the process.

Attorney General Harvey noted that, by law, HAVA funding is to be used by states not only to acquire new election-related equipment and create a statewide voter data base, but also to promote public awareness and increased voter participation.

"There is clearly an ongoing need to generate awareness of, and enthusiasm for, the act of voting and remaining a vital participant in our democracy — especially among young people," he said. "Events like Hip-Hop Summit II are an important part of that process. It would be shortsighted and foolish of us to invest millions of dollars in what is essentially the infrastructure of democracy — state-of-the-art electronic voting equipment, new data management systems, etc., — and then ignore the human component."

"Through events like Hip-Hop Summit II, and the 2004 Hip Hop Summit held at the Trenton War Memorial, thousands of young adults are becoming engaged in a discussion about government, and the importance of voting — perhaps for the first time in their lives," added the Attorney General. "In addition, they have been given important food for thought concerning such critical issues as self-expression, individual responsibility in a free society, and the ability of one person to make a difference by channeling his or her energy in a positive way."

Among the celebrities who attended Hip Hop Summit II were: Doug E. Fresh, Jim Jones, Freeway, Jha Jha of the Diplomats, The Game, Jaheim, Miss New Jersey Julie Robenhymer,

The print ad below features Frankie Negron who worked with the Attorney General's Office to increase voter awareness in New Jersey's Hispanic population.



America's Top Model Tocarra Jones and Def Jam Poets Lemon and Black Ice. The celebrities, along with 15 high school and college finalists from a "Be Powerful, Be Heard" spoken word competition held earlier in the year, participated in a panel discussion about voting, democracy and governance. Also on hand for the discussion were Attorney General Harvey, Def Jam Records founder Simmons, and Dr. Benjamin Chavis of the Hip-Hop Summit Action Network.

Throughout 2005, the Attorney General's Office continued to spread awareness of the importance of voting through many other initiatives as well.

The HAVA initiatives included Public Service Announcements (PSAs) by celebrity volunteers, as well as sporting and community events, and an informational Web site at www.NJElections.org. Including get-out-the-vote spots recorded in 2004, the PSAs that could be viewed on the Web site in 2005 featured individual messages from such celebrities as Queen Latifah, actor William "Billy" Baldwin, the Reverend Run (formerly of Run DMC), Fat Joe, Doug E. Fresh, MC Lyte, radio personality Angie Martinez and others. Four individual PSA's from 2004, featuring actors Michael Douglas and Jason Alexander,

Queen Latifah and former New Jersey Nets basketball star Kenny Anderson, were nominated in 2005 to receive an Emmy Award.

In addition to the Hip-Hop Summit, the Attorney General's Office also sponsored public events in 2005 designed to encourage college students, senior citizens and members of the military to vote. The Attorney General also hosted public forums on voter fraud and the issue of voting rights for ex-felons. On the latter issue, the Attorney General noted, misinformation often circulates that ex-felons can never again vote in New Jersey. In fact, the law is that persons stripped of their right to vote after a felony conviction can re-register and vote once they have successfully completed their jail terms or terms of probation or parole.

Other highlights from 2005 included:

Training

❖ The Attorney General's Office, working in conjunction with Rutgers University and the New Jersey Association of Election Officials (NJAEIO), provided the first-ever county election officials training program. The inaugural New Jersey County Election Officials

Help America Vote Act Celebrity Public Service Announcements

1 Frankie Negron

2 Russell Simmons

3 Jason Alexander

4 Reverend Run

5 Michael Douglas

6 Queen Latifah

7 Jimmy Fallon

8 Kenny Anderson

9 Angie Martinez

10 Billy Baldwin

11 Remy Martin

12 Fat Joe

13 MC Lyte

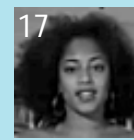
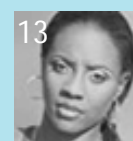
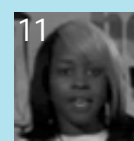
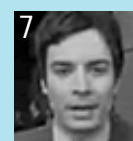
14 Vin-Roc

15 Doug E. Fresh

16 DMC

17 Amanda Diva

18 T.I.



Training Program took place in January 2005 at the Center for Government Services at Rutgers University. It trained county election officials in such basic areas as voter registration, write-in candidates, legal notices, absentee and paper ballots, polling places, challengers, the training of poll workers, Election Day procedures, electoral integrity and the Open Public Records Act (OPRA). Funding for the course was provided under HAVA. Additional training sessions — one on voting devices, the other on advanced elections administration issues — were held later in 2005.

Education

❖ In February 2005, the Division of Elections hosted the State's Third Annual Polling Place Accessibility Workshop. Consistent with priorities set by Attorney General Harvey, the Division and HAVA, the workshop was held to provide local and county elections officials with information and assistance needed to achieve 100 percent polling place accessibility for the disabled. More than 200 local and county election officials signed up to attend the session, which featured experts from government, academia and the disabled advocacy community. So enthusiastic was the enrollment response that morning and afternoon sessions had to be scheduled to ensure a spot for all who wished to attend.

National Award

❖ By virtue of its stellar performance in the 2004 National Student/Parent Mock Election, New Jersey was named in 2005 to receive the National Association of State Boards of Education Award for Outstanding Leadership. Attorney General Harvey, the State's Chief Election Official, said New Jersey was

cited by the Association for playing a "pivotal role" in the success of the 2004 Mock Election. As National Headquarters for the event, the New Jersey Division of Elections collected and processed Mock Election votes from all 50 states, Washington, D.C., and participating American schools around the world. Altogether, more than 4 million votes were cast. The National Student/Parent Mock Election is a non-partisan, non-profit event in which 60 national civic, educational and other organizations participate including the National Association of State Boards of Education, the U.S. Chamber of Commerce and the League of Women Voters. The Mock Election is widely respected as a means of generating interest among non-voting-age students in democracy and voting.

Attorney General Spearheads Statewide Voter Data Review

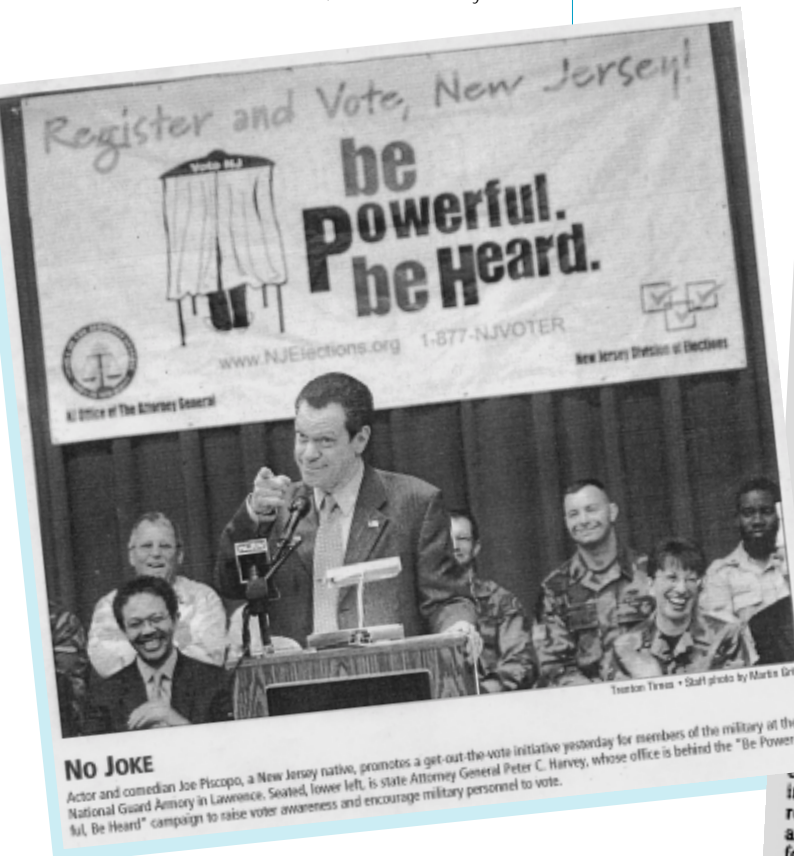
In an unrelated action to ensure the integrity of elections, the Attorney General asked each county in 2005 to review and update its voter registration rolls after concerns were aired in the weeks prior to the General Election that voter data bases were out of date in some counties, and that the names of persons who had died or moved out of state had in many cases not been purged. The Division of Law within the Attorney General's Office provided counsel and staff assistance for the massive effort. Ultimately, the task became even larger after the counties were directed by a Superior Court judge to match up every absentee and provisional ballot cast in the November General Election with data on deceased per-

sons provided by the state Bureau of Vital Statistics. Again, the Division of Law played a key role in the process, providing advice to the counties and, where necessary, seeking court-ordered extensions allowing local election officials time to complete the arduous task of scrutinizing every absentee and provisional ballot before counting it.

Ensuring Voting Integrity: Public Official Charged with Ballot Tampering

On the election integrity front, the Office of Government Integrity (OGI) within the Attorney General's Office obtained an indictment in November 2005 accusing a public official in Atlantic City with absentee ballot tampering. The indictment charged Atlantic City Councilman Wayne Small, 31, with filing 10 bogus absentee ballot applications with the Atlantic County Clerk's Office while representing himself as authorized messenger for the 10 "applicants." Registered voters in New Jersey can obtain an absentee ballot in person, or can apply by mail and, if they choose, designate an authorized messenger to pick up the ballot for them.

(If a registered voter applies for and receives an absentee ballot, a mark is placed next to his or her name in the polling book to ensure that, on Election Day, no one votes at an actual polling site using that voter's same identity.) Small was charged in the indictment with 10 counts of tampering with public records, a third-degree offense, and one count of hindering or preventing a vote, a fourth-degree offense. If convicted on all charges, Small could face more than 50 years in prison and fines of up to \$160,000. Small could also forfeit his position on the City Council in Atlantic City, as well as his public employment with the Atlantic City school district. As of year's end, the Small matter was still pending.



County to get new voting machines

■ The electronic machines should be available for voters in the June primary.

By THOMAS BARLAS
Staff Writer, (609) 272-7201

Atlantic County will finally get something that election officials have sought for years: new voting machines.

County officials say 300 new electronic machines should be in place by the June primary, replacing 230 machines that are about two decades old and for which replacement parts are hard to find.

A.C.'s Small indicted on vote charges

■ The councilman is accused of delivering messenger ballots when he was not the designated messenger during the June primary.

By DEREK HARPER
Staff Writer, (609) 272-7203

ATLANTIC CITY — The late attorney general indicted Atlantic City councilman Mary Small on 11 voter-related charges Thursday.

Ten of the charges are third-degree crimes that stem from mail taking messenger ballots to the Atlantic County Superior

according to the indictment. The 11th charge alleges Small tried to keep a voter from casting a ballot in June's primary election.

If found guilty on all charges, Small would face as many as 51½ years in prison and \$160,000 in fines, according to a news release from the attorney general's office.

The release also said the courts do not typically impose prison terms for charges of this type.

Small declined comment on the advice of attorney Edwin Jacobson Jr.

The case was assigned to Atlantic County Superior



SMALL